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In re Application of:	:	OFFICE OF PETITIONS
Musoll et al.	:	
Application No. 09/964,827	:	DECISION ON
Filed: September 25, 2001	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.137(b)
METHOD AND APPARATUS FOR	:	
OVERFLOWING DATA PACKETS TO A	:	
SOFTWARE-CONTROLLED MEMORY WHEN	:	
THEY DO NOT FIT INTO A	:	
HARDWARE-CONTROLLED MEMORY	:	

This is a decision on the petition under 37 CFR § 1.137(b), filed July 28, 2005, to revive the above-identified application where Applicant failed to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR § 1.137(f).

This Petition is hereby **granted**.

The above-identified application became abandoned pursuant to 35 USC 122 (b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multinational international agreement, the requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty¹; (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due

¹ The filing of a petition under this section will not relieve application of the obligation to reply to any outstanding Office action.


date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition has been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request indicating a projected publication date will be mailed by the Office of Initial Patent Examination in due course.

This application is being referred to the Publishing Division for publishing of the application in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy